

port it back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 96, A bill to be entitled "An Act authorizing the commissioners' court of Haskell County, Texas, to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof; providing limitations upon the issuance of warrants for road and bridge purposes and exceptions therefrom; and declaring an emergency."

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that the original bill do not pass, but that the Committee Substitute, hereto attached, do pass in lieu thereof, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 21, A bill to be entitled "An Act providing that the county commissioners court of Hays, Blanco, Gillespie, Kendall, Kerr, Llano counties shall have the power either upon its own motion or upon petition to order the owners of land across which any third class or neighborhood road runs to remove any gates or other obstruction thereon across said road; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 9, A bill to be entitled

"An Act to amend Articles 3891, 3892, 3897 and 3937 and repeal Articles 3900, 3932 and 3894, all of the Revised Civil Statutes of Texas, 1925; repealing laws in conflict; providing if any portion of this Act is declared to be invalid the remainder shall not be affected, and providing that said Act shall be effective on and after January 1, 1931."

Have had the same under consideration, and I am instructed to report it back to the Senate that the original bill do not pass, but that the Committee Substitute, hereto attached, do pass in lieu thereof, and that it be not printed, there having been a Senate bill on the same subject reported favorably and printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 25, A bill to be entitled "An Act to amend Section 4 of Chapter 91 of the General and Special Laws of the First Called Session of the Fortieth Legislature so as to provide for expenses of the rural school supervisor as well as salary in the counties affected by said Chapter 91; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

## TWENTIETH DAY.

(Continued)

Senate Chamber,

Austin, Texas, Feb. 15, 1930.

The Senate met at 10:00 o'clock a. m., pursuant to recess, and was called to order by President Pro Tem Edgar Witt.

### Point of No Quorum.

Senator Holbrook raised the point of order that a quorum was lacking. The roll call showed the following present:

Beck.	DeBerry.
Berkeley.	Gainer.
Cunningham.	Hardin.

Holbrook.	Small.
Hornsby.	Stevenson.
Love.	Thomason.
McFarlane.	Williamson.
Moore.	Witt.
Neal.	Woodul.
Parrish.	Woodward.

Absent—Excused.

Cousins.	Patton.
Greer.	Pollard.
Hyer.	Russek.
Martin.	Westbrook.
Miller.	Wirtz.
Parr.	

Senator Woodward moved a call of the Senate for the purpose of obtaining and maintaining a quorum until adjournment. The motion prevailed.

Senator Love sent up the following written motion:

I move that the Sergeant at Arms of the Senate be directed to bring into the Senate all the absentees who are not detained by illness of themselves or families, and that the presiding officer of the Senate be directed to issue the necessary process for that purpose directed to any sheriff or other officers in Texas.

LOVE.

Read and adopted.

Recess.

On motion of Senator Woodward, the Senate at 11:48 o'clock, recessed until 2:00 o'clock P. M.

After Recess.

The Senate met at 2:00 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem Edgar Witt.

Recess.

On motion of Senator Holbrook, the Senate at 2:08 o'clock recessed until 4:00 o'clock p. m., today.

After Recess.

The Senate met at 4:00 o'clock p. m., pursuant to recess, and was called to order by President Pro Tem Edgar Witt.

Quorum Established.

The roll call showed a quorum present, the following Senators answering to their names:

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parrish.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Hardin.	Williamson.
Holbrook.	Witt.
Hornsby.	Wirtz.
Love.	Woodul.
McFarlane.	Woodward.
Miller.	

Absent—Excused.

Cousins.	Patton.
Hyer.	Pollard.
Martin.	Russek.
Parr.	Westbrook.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House, with the following message:

Hall of the House of Representatives,  
Austin Texas, Feb. 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 29, with amendment as substituted, A bill to be entitled "An Act providing for the sale of all oil and/or gas in State Prison lands by lease; creating a Board for Lease of State Prison Lands and prescribing the duties and powers of said Board; prescribing the mode and manner of selling oil and gas in State prison lands and the disposition to be made of the proceeds of such sales; making an appropriation to defray the expense of enforcing the Act; repealing all laws in conflict; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives

Hall of the House of Representatives,  
Austin, Texas, Feb. 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 11, A bill to be entitled "An Act to validate the organization and creation of all school districts, including common school districts, independent school districts, consoli-

dated common school districts, consolidated independent school districts, county line school districts, consolidated county line school districts, and rural high school districts, whether created by general or special law of county boards of trustees; validating the acts of said county boards of trustees and boards of such districts; validating all proceedings and acts of said boards of trustees heretofore taken by such boards of trustees; validating all bonds authorized and sold and now outstanding of said districts; validating all tax levies made in behalf of said districts, and declaring an emergency."

H. B. No. 38, A bill to be entitled "An Act to create Donna Irrigation District, Hidalgo County No. 1, in Hidalgo County, Texas, validating and approving all orders made by the commissioners' court of said county in respect to the original organization of said district as a water improvement district under Section 52 of Article 3 of the Constitution."

H. B. No. 39, A bill to be entitled "An Act to create Hidalgo County Water Improvement District No. 6, in Hidalgo County, Texas, and defining the boundaries of said district; validating and approving all orders made by the commissioners' court of said county in respect to the organization of said district; validating and approving the election held in said district on March 14, 1929, for the creation of said district and the issuance of notes of said district, and the election of directors thereof; validating and approving the order of the commissioners' court of said county passed on March 18, 1929, declaring the results of said election and establishing the said district."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk, House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 15, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Mr. Pope of Nueces:

H. B. No. 70, A bill to be entitled "An Act fixing the metes and bounds

of the Alice Independent School District, located in Jim Wells county, Texas, and validating the proceedings of the county school trustees of said county in changing the boundaries of Alice Independent School District in said county and validating all proceedings had with respect to levying a tax of \$1.00 upon the \$100 valuation of all taxable property in said school district, and validating all proceedings had with reference to the issuance of \$75,000 of school building bonds of said district, and validating all proceedings had with reference to the issuance of \$15,000 of school building bonds of said district, and validating all proceedings had with reference to the issuance of \$125,000 of school building bonds of said district."

H. B. No. 40, A bill to be entitled "An Act to repeal Section 12c of Chapter 7, Local and Special Laws enacted by the Forty-first Legislature at its Second Called Session in 1929, same being an amendment to Wise county special road law, and to amend Chapter 59, Local and Special Laws enacted by the Thirty-fourth Legislature at its Regular Session in 1915, as amended by Chapter 31, Special Laws enacted by the Thirtieth Legislature at its First Called Session in 1926, as amended by Chapter 7, Local and Special Laws enacted by the Forty-first Legislature at its Second Called Session in 1929, same being a special road law for Wise county, by adding thereto Section 12d, validating all scrip, warrants, refunding warrants, refunding bonds and/or other evidence of indebtedness issued against the road and bridge fund of said county."

Respectfully submitted,  
LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 15, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 35, A bill to be entitled "An Act amending Article 7066, Revised Civil Statutes, relating to occupation taxes on the production of sulphur, which amendment provides for an occupation tax of \$1 per ton of all sulphur produced within the

State of Texas; providing for reports and records; imposing forfeitures and penalties for failure to keep records."

By Senator Holbrook:

S. B. No. 90, A bill to be entitled "An Act to create Brazoria County Drainage District Number (6) in Brazoria County, Texas, etc., and declaring an emergency."

By Senator Holbrook:

S. B. No. 91, A bill to be entitled "An Act to create Velasco Drainage of Brazoria County, Texas; etc., and declaring an emergency."

By Senator Holbrook:

S. B. No. 92, A bill to be entitled "An Act to create the Angleton Drainage District of Brazoria County, Texas; etc., and declaring an emergency."

By Senator Holbrook:

S. B. No. 93, A bill to be entitled "An Act to create San Bernard Drainage District No. 10 of Brazoria County, Texas; etc., and declaring an emergency."

S. B. No. 22, A bill to be entitled "An Act providing for a county depository for trust funds in the possession of county and district clerks, providing the manner of selection and designation of same and paying out said funds and liability of depository for failure to pay checks drawn on said funds, requiring depositories to receive deposits of said funds and pay checks on same at the county seat, authorizing the commissioners' court to require a new bond of depositories, relieving county and district clerks from liability for said funds upon deposit of same in the depository, making the county liable for the loss of any funds placed in the depository, requiring county and district clerks having custody of money for more than three days deposited in court to abide the result of any legal proceeding to deposit same in the depository, providing manner of carrying account in the depository and withdrawing same, providing manner of holding trust funds in counties not having a depository for trust funds, prescribing penalties for violation of the Act, declaring an emergency, and provid-

ing that the same shall become effective February 10, 1931."

S. B. No. 24, A bill to be entitled "An Act amending Article 6954 of the Revised Civil Statutes of 1925, as amended, with reference to the mode of preventing horses and certain other animals from running at large, and enumerating the counties to which said article shall apply; omitting from said article the following language: 'provided that where there is an application to include an entire county there shall not be less than twelve free holders from each justice precinct of said county as signers to the petition for such election,' and declaring an emergency."

S. B. No. 26, A bill to be entitled "An Act authorizing a certain portion of the salary of county judges and county commissioners to be paid out of the road and bridge fund and the remainder out of the general fund of the county; and declaring an emergency."

With amendment.

S. B. No. 43, A bill to be entitled "An Act amending Articles 6954 and 6955 Revised Statutes of Texas, 1925, and declaring an emergency."

S. B. No. 63, A bill to be entitled "An Act providing for an open season on squirrels in Marion, Cass and Bowie Counties, Texas, providing penalty, repealing all laws in conflict herewith and declaring an emergency."

By Senator Beck:

S. B. No. 64, A bill to be entitled "An Act repealing Chapter 88, page 219, of the Acts of the First Called Session of the Forty-first Legislature prohibiting the sale of fresh water fish during the months of March and April in Cass, Bowie, Morris, and Titus Counties, and declaring an emergency."

S. B. No. 70, A bill to be entitled "An Act ratifying and validating Liberty County Drainage District No. 2, Liberty County, Texas; converting said District into a Conservation and Reclamation District, without change of name and without impairment of its obligations, providing that said district shall hence-

forth be entitled to the benefits of the enlarged powers conferred by Article 16, Section 59 of the Constitution of Texas; determining that the conversion of said District into conservation and Reclamation District under Section 59 of Article 16 of the Constitution will benefit the citizens and property within said district; providing that all limitations of indebtedness authorized to be incurred and taxes to be levied imposed by Section 52 of Article 3 of the Constitution and all laws under which said district was organized are removed, and that henceforth all indebtedness against said district and all taxes levied in payment thereof shall be under Section 59 of Article 16 of the Constitution of Texas and laws enacted pursuant thereto; determining that the Constitutional notice required for the enactment of local or special laws has been given in the manner and form required by law; and declaring an emergency."

By Senator Cousins:

S. B. No. 72, A bill to be entitled "An Act ratifying and validating Liberty County Improvement District No. 1, in Liberty County, Texas, converting said District into a Conservation and Reclamation District, without change of name and without impairment of its obligations, providing that said district shall henceforth be entitled to the benefits of the enlarged powers conferred by Article 16, Section 59 of the Constitution of Texas; determining that the conversion of said district into a Conservation and Reclamation District under Section 59 of Article 16 of the Constitution will benefit the citizens and property within said district; providing that all limitations of indebtedness authorized to be incurred and taxes to be levied imposed by Section 52 of Article 3 of the Constitution and all laws under which said district was organized are removed, and that henceforth all indebtedness against said district and all taxes levied in payment thereof shall be under Section 59 of Article 16 of the Constitution of Texas and laws enacted pursuant thereto; determining that the constitutional notice required for the enactment of local or special laws has been given in the manner

and form required by law; and declaring an emergency."

By Senator Cousins:

S. B. No. 71, A bill to be entitled "An Act ratifying and validating Old River Drainage District of Liberty County, Texas; converting said district into a Conservation and Reclamation District, without change of name and without impairment of its obligations, providing that said district shall henceforth be entitled to the benefits of the enlarged powers conferred by Article 16, Section 59 of the Constitution of Texas; determining that the conversion of said district into a Conservation and Reclamation District under Section 59 of Article 16 of the Constitution will benefit the citizens and property within said district; providing that all limitations of indebtedness authorized to be incurred and taxes to be levied imposed by Section 52 of Article 3 of the Constitution and all laws under which said District was organized are removed, and that henceforth all indebtedness against said district and all taxes levied in payment thereof shall be under Section 59 of Article 16 of the Constitution of Texas and laws enacted pursuant thereto; determining that the constitutional notice required for the enactment of local or special laws has been given in the manner and form required by laws; and declaring an emergency."

By Senators DeBerry, Hornsby, Love and Cunningham:

S. B. No. 84, A bill to be entitled "An Act amending Articles 5738, 5739, 5743, 5746, 5748 and 5763, of the Revised Civil Statutes of 1925, relating to cooperative marketing associations, said articles being a portion of what is commonly known as the Cooperative Marketing Act of Texas; declaring that if any election, article or provision of said Cooperative Marketing Act of this Act shall be declared to be unconstitutional or invalid for any reason the remainder of the same shall, nevertheless, be in force and effect; and declaring an emergency."

With Amendments.

By Senator Holbrook:

S. B. No. 89, A bill to be entitled "An Act to create Brazoria County Drainage District Number Eight (8)

in Brazoria County, Texas, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,  
Chief Clerk House of Representatives.

Hall of the House of Representatives,  
Austin, Texas, Feb. 15, 1930.  
Hon. Barry Miller, President of the  
Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 96, A bill to be entitled "An Act creating a special road law for Angelina county, Texas, requiring surety bonds of road overseers, containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1930, setting for the the method of said operation; providing limitations upon the issuance of warrants for road and bridge purposes, and exceptions therefrom, and declaring an emergency."

H. B. No. 97, A bill to be entitled "An Act amending House Bill No. 177, passed by the Second Called Session of the Forty-first Legislature, prescribing the kind of tackle and method of taking fish in fresh waters in certain counties and prohibiting all other tackle, prohibiting possession of any tackle not authorized by this act within 200 yards of any fresh waters mentioned herein; exempting the waters of the Colorado and Rio Grande rivers from the provisions of this act; prohibiting the sale, offering for sale or having in possession for the purpose of sale of certain species in said counties."

H. B. No. 98, A bill to be entitled "An Act to amend the special road law for Rockwall county, Texas, enacted by the Regular Session of the Thirty-sixth Legislature, 1919, the same being an act providing for the payment of the commissioners of Rockwall county, Texas, while acting as ex-officio road superintendents in their various precincts of said Rockwall county the payments thereof shall be made and declaring an emergency."

H. B. No. 99, A bill to be entitled "An Act providing for a closed season in Stephens county upon quail and all fur-bearing animals for a period of three years and providing

for certain exceptions to fur-bearing animals, and declaring an emergency."

H. B. No. 100, A bill to be entitled "An Act to repeal Chapter 76, Special Laws of the First Called Session of the Fortieth Legislature of 1927, entitled 'Polk County Road Law,' creating a more efficient road system for Polk county, Texas, and declaring an emergency."

H. B. No. 101, A bill to be entitled "An Act providing that certain cities having the population requirements set forth herein may acquire and own special assessment certificates issued in connection with street improvements; that such cities may pledge and impound said certificates as the basis for the issuance of special improvement bonds subject to the limitations and provisions of this act; providing for use of funds from the sale of such bonds; providing that such bonds shall not be reckoned determining charter, constitutional or statutory bond limitations, and shall not constitute indebtedness of the city contemplated under certain provisions of the Constitution; prescribing statutory duties imposed on such cities when such bonds are issued."

H. B. No. 13, A bill to be entitled "An Act making it unlawful for any person to transport any live wolf, or to possess or receive for the purpose of transporting or turning loose or to turn loose any live wolf, providing that it shall not be unlawful for certain persons to transport, possess or receive any live wolf for exhibition purposes; prescribing penalties, and declaring an emergency."

H. B. No. 23, A bill to be entitled "An Act amending Article 3268, Revised Statutes, 1925, providing that municipal corporations shall not be required to post a bond in condemnation proceedings and shall not be required to deposit double the amount of the award by the commissioners, and declaring an emergency."

H. B. No. 48, A bill to be entitled "An Act providing for the obtaining of a statement of facts on appeal by a pauper, and providing the compensation of the court reporter, and providing an emergency."

H. B. No. 63, A bill to be entitled "An Act to amend Article 7005, Chapter 7, Title 121, of the Revised Civil Statutes of 1925, as amended by the Acts of the Fortieth Legislature, so as to exempt the county of Farmer from the provisions of the said act."

H. B. No. 86, A bill to be entitled "An Act to amend Sections 2a and 2b of Chapter — of the Local and Special Laws enacted by the Thirty-third Legislature at its Regular Session in 1913, same being special road law for Childress county, which Sections 2a and 2b were added by Chapter 279 of the General and Special Laws of the Forty-first Legislature at its Regular Session in 1929; authorizing the commissioners' court of Childress county to issue bonds for road and bridge purposes, and to levy a tax in payment thereof, providing limitations upon the issuance of warrants for road and bridge purposes, and exceptions therefrom, and declaring an emergency."

H. B. No. 87, A bill to be entitled "An Act to provide and regulate size of certain fish caught in Harrison county, Texas; providing a penalty, and declaring an emergency."

H. B. No. 93, A bill to be entitled "An Act authorizing the commissioners court in any county having a population of not less than 21,900 and not more than 22,000 according to the United States census of 1920, to allow each county commissioner certain expenses for traveling in connection with official business, and declaring an emergency."

H. B. No. 94, A bill to be entitled "An Act to provide a special county road law for Austin county, Texas; declaring county commissioners shall be ex-officio road supervisors of their respective precincts, subject to the direction of the commissioners' court, and charge of all road equipment for the building and maintenance of roads in their respective precincts; and defining the authority and duties of said commissioners as road supervisors; requiring bond of such commissioners as road supervisors, and requiring the keeping of certain accounts; providing for the purchase of materials and supplies necessary in the discharge of duties imposed,

and for the employment of necessary labor."

Respectfully submitted,  
LOUISE SNOW PINNEY,  
Chief Clerk House of Representatives.

#### Motion to Concur.

Senator Small moved to concur in House amendment to S. B. No. 26. The motion prevailed.

#### Message from the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following message:

Executive Department,  
Austin, Texas, Feb. 25, 1930.  
To the Members of the Senate:  
On January 27, 1930, I sent to you for confirmation the name of "J. A. Hill" as a member of the Board of Regents of the State Teachers Colleges. He was duly confirmed.

I find that an error was made in the name. It should have been "John E. Hill," of Potter County.

Please correct the record and advise me.

Respectfully,

DAN MOODY.

Read and referred to the Committee on Governor's Nominations.

#### House Bills Referred.

H. B. No. 70, referred to Committee on Educational Affairs.

H. B. No. 11, referred to Committee on Educational Affairs.

H. B. No. 38, referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 39, referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 40, referred to Committee on State Highways and Motor Traffic.

H. B. No. 35, referred to Committee on State Affairs.

H. B. No. 100, referred to Committee on State Highways and Motor Traffic.

H. B. No. 97, referred to Committee on State Affairs.

H. B. No. 13, referred to Committee on State Affairs.

H. B. No. 99, referred to Committee on State Affairs.

H. B. No. 87, Referred to Committee on State Affairs.

H. B. No. 96, referred to Committee on State Highways and Motor Traffic.

H. B. No. 92, referred to Committee on Mining, Irrigation and Drainage.

H. B. No. 93, referred to Committee on State Highways and Motor Traffic.

H. B. No. 63, referred to Committee on Stock and Stock Raising.

H. B. No. 23, referred to Committee on Towns and City Corporations.

H. B. No. 101, referred to Committee on Towns and City Corporations.

H. B. No. 48, referred to Committee on Civil Jurisprudence.

H. B. No. 94, referred to Committee and State Highways and Motor Traffic.

H. B. No. 28, referred to Committee on State Highways and Motor Traffic.

H. B. No. 86, referred to Committee on State Highways and Motor Traffic.

#### Simple Resolution No. 29.

Senator Stevenson sent up the following resolution:

Whereas, it seems impossible for the conferees on H. B. No. 2, that is the prison bill passed by the House and now in Free Conference Committee, to agree on a plan acceptable to both branches;

Therefore, Be It Resolved, that the Senate Conferees be and they are hereby now instructed to urge in the Committee that an agreement of the following nature be made; that is that the central industrial prison plant be located on either the Imperial or Darrington Farms on lands above overflow which are available on both farms, and that the improvements of the barracks for prisoners on other farm lands be developed in accordance with the program which is practically agreed upon by both branches of the Legislature.

STEVENSON.

The resolution was read.

Senator DeBerry sent up the following amendment:

Amend S. R. No. 29 by adding after the words "Imperial or Darrington farms" the following: "or other prison properties owned by the State."

WIRTZ,  
DeBERRY.

The amendment was read.

Senator Small raised the point of order that the resolution was out of order because the Senate could not instruct a Free Conference Committee after it had been appointed.

The Chair, Senator Moore, overruled the point of order.

Senator Thomason moved to lay the resolution and the amendment on the table subject to call.

On motion of Senator Love, the previous question on the further consideration of the resolution was ordered.

The motion to lay the resolution on the table subject to call prevailed.

#### Executive Session Set.

On motion of Senator Williamson, the Senate voted to go into executive session Monday morning at 11:55 o'clock.

#### Bills Signed.

The Chair, President Pro Tem Edgar Witt, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills, and resolution:

H. B. No. 41.

H. B. No. 32.

H. C. R. No. 20.

#### House Bill No. 69.

The Chair laid before the Senate on its second reading the following bill:

By Mr. Hines, Mr. Harper and Mr. Simmons:

H. B. No. 69, A bill to be entitled "An Act repealing Chapter 88, page 219, of the Acts of the First Called Session of the Forty-first Legislature, prohibiting the sale of fresh water fish during the months of March and April in Cass, Bowie, Morris and Titus counties, and declaring an emergency."

The rule requiring Committee report to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 69 was put on its second reading by the following vote:



## Yeas—23.

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parrish.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Love.	Woodul.
McFarlane.	Woodward.
Miller.	

## Absent—Excused.

Cousins.	Patton.
Hyer.	Pollard.
Martin.	Russek.
Parr.	Westbrook.

## Read second time.

Senator Beck sent up the following amendment:

Amend H. B. No. 69 by striking out Sec. 1 and insert in lieu thereof the following:

Sec. 1, Chapter 88, page 219 of the First Called Session of the Forty-first Legislature be and the same is hereby repealed and amend the Caption to conform to all changes in the body of the bill.

BECK.

## Read and adopted.

The bill passed to third reading.

On motion of Senator Beck the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 69 was put on its third reading and final passage, by the following vote:

## Yeas—24.

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parrish.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Love.	Woodul.
McFarlane.	Woodward.
Miller.	

## Absent—Excused.

Cousins.	Patton.
Hyer.	Pollard.
Martin.	Russek.
Parr.	Westbrook.

Read third time and finally passed by the following vote:

## Yeas—24.

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parrish.
DeBerry.	Small.
Gainer.	Stevenson.
Greer.	Thomason.
Hardin.	Williamson.
Holbrook.	Wirtz.
Hornsby.	Witt.
Love.	Woodul.
McFarlane.	Woodward.
Miller.	

## Absent—Excused.

Cousins.	Patton.
Hyer.	Pollard.
Martin.	Russek.
Parr.	Westbrook.

## House Bill No. 101.

The Chair laid before the Senate the following bill:

H. B. No. 101, A bill to be entitled "An Act providing that certain cities having the population requirements set forth herein may acquire and own special assessment certificates issued in connection with street improvements; that such cities may pledge and impound said certificates as the basis for the issuance of special improvement bonds subject to the limitations and provisions of this act; providing for use of funds from the sale of such bonds; providing that such bonds shall not be reckoned determining charter, constitutional or statutory bond limitations, and shall not constitute indebtedness of the city contemplated under certain provisions of the Constitution; prescribing statutory duties imposed on such cities when such bonds are issued."

The rule requiring committee reports to lie over 24 hours was suspended by a two-third vote.

The committee report was adopted.

On motion of Senator Hyer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 101 was put on its second reading by the following vote:

## Yeas—24.

Beck.	Cunningham.
Berkeley.	DeBerry.

<b>Gainer.</b>	<b>Neal.</b>
<b>Greer.</b>	<b>Parrish.</b>
<b>Hardin.</b>	<b>Small.</b>
<b>Holbrook.</b>	<b>Stevenson.</b>
<b>Hornsby.</b>	<b>Thomason.</b>
<b>Hyer.</b>	<b>Williamson.</b>
<b>Love.</b>	<b>Wirtz.</b>
<b>McFarlane.</b>	<b>Witt.</b>
<b>Miller.</b>	<b>Woodul.</b>
<b>Moore.</b>	<b>Woodward.</b>

**Absent—Excused.**

<b>Cousins.</b>	<b>Pollard.</b>
<b>Martin.</b>	<b>Russek.</b>
<b>Parr.</b>	<b>Westbrook.</b>
<b>Patton.</b>	

The bill was read second time and passed to third reading.

On motion of Senator Hyer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 101 was put on its third reading and final passage, by the following vote:

**Yeas—24.**

<b>Beck.</b>	<b>Miller.</b>
<b>Berkeley.</b>	<b>Moore.</b>
<b>Cunningham.</b>	<b>Neal.</b>
<b>DeBerry.</b>	<b>Parrish.</b>
<b>Gainer.</b>	<b>Small.</b>
<b>Greer.</b>	<b>Stevenson.</b>
<b>Hardin.</b>	<b>Thomason.</b>
<b>Holbrook.</b>	<b>Williamson.</b>
<b>Hornsby.</b>	<b>Wirtz.</b>
<b>Hyer.</b>	<b>Witt.</b>
<b>Love.</b>	<b>Woodul.</b>
<b>McFarlane.</b>	<b>Woodward.</b>

**Absent—Excused.**

<b>Cousins.</b>	<b>Pollard.</b>
<b>Martin.</b>	<b>Russek.</b>
<b>Parr.</b>	<b>Westbrook.</b>
<b>Patton.</b>	

Read first time and finally passed by the following vote:

**Yeas—24.**

<b>Beck.</b>	<b>Miller.</b>
<b>Berkeley.</b>	<b>Moore.</b>
<b>Cunningham.</b>	<b>Neal.</b>
<b>DeBerry.</b>	<b>Parrish.</b>
<b>Gainer.</b>	<b>Small.</b>
<b>Greer.</b>	<b>Stevenson.</b>
<b>Hardin.</b>	<b>Thomason.</b>
<b>Holbrook.</b>	<b>Williamson.</b>
<b>Hornsby.</b>	<b>Woodul.</b>
<b>Hyer.</b>	<b>Woodward.</b>
<b>Love.</b>	<b>Wirtz.</b>
<b>McFarlane.</b>	<b>Witt.</b>

**Absent—Excused.**

<b>Cousins.</b>	<b>Pollard.</b>
<b>Martin.</b>	<b>Russek.</b>
<b>Parr.</b>	<b>Westbrook.</b>
<b>Patton.</b>	

**H. B. No. 23.**

The Chair laid before the Senate the following bill:

By Mr. Kemble:

H. B. No. 23, A bill to be entitled "An Act amending Article 3268, Revised Statutes, 1925, providing that municipal corporations shall not be required to post a bond in condemnation proceedings and shall not be required to deposit double the amount of the award by the commissioners, and declaring an emergency."

The rule requiring Committee reports to lie over 24 hours was suspended by a two-thirds vote.

The committee report was adopted.

On motion of Senator Hyer, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 23 was put on its second reading by the following vote:

**Yeas—24.**

<b>Beck.</b>	<b>Miller.</b>
<b>Berkeley.</b>	<b>Moore.</b>
<b>Cunningham.</b>	<b>Neal.</b>
<b>DeBerry.</b>	<b>Parrish.</b>
<b>Gainer.</b>	<b>Small.</b>
<b>Greer.</b>	<b>Stevenson.</b>
<b>Hardin.</b>	<b>Thomason.</b>
<b>Holbrook.</b>	<b>Williamson.</b>
<b>Hornsby.</b>	<b>Wirtz.</b>
<b>Hyer.</b>	<b>Witt.</b>
<b>Love.</b>	<b>Woodul.</b>
<b>McFarlane.</b>	<b>Woodward.</b>

**Absent—Excused.**

<b>Cousins.</b>	<b>Pollard.</b>
<b>Martin.</b>	<b>Russek.</b>
<b>Parr.</b>	<b>Westbrook.</b>
<b>Patton.</b>	

The bill was read second time and passed to third reading.

On motion of Senator Hyer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 23 was put on its third reading and final passage, by the following vote:

**Yeas—24.**

<b>Beck.</b>	<b>Berkeley.</b>
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Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parrish.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.

Absent—Excused.

Cousins.	Pollard.
Martin.	Russek.
Parr.	Westbrook.
Patton.	

Read third time and finally passed.

**S. B. No. 61.**

Senator Love moved to take up S. B. No. 61. The motion was lost by the following vote:

Yeas—11.

Beck.	Small.
Berkeley.	Thomason.
Greer.	Witt.
Holbrook.	Woodul.
Love.	Woodward.
Neal.	

Nays—9.

Cunningham.	Moore.
Gainer.	Stevenson.
Hardin.	Williamson.
McFarlane.	Wirtz.
Miller.	

Present—Not Voting.

DeBerry.                  Hornsby.

Absent.

Hyer.                      Parrish.

Absent—Excused.

Cousins.	Pollard.
Martin.	Russek.
Parr.	Westbrook.
Patton.	

(Two-thirds vote required.)

**H. B. No. 89.**

The Chair laid before the Senate the following bill:

By Mr. Metcalfe, Mr. Barron, and Mr. Ackerman:

H. B. No. 89, A bill to be entitled "An Act authorizing the commis-

sioners' court to pay bounties of wolf scalps in Sterling county to preserve game in said county; enacting the necessary regulations in reference thereto, etc."

The rule requiring Committee reports to lie over 24 hours was suspended by a two-thirds vote:

The committee report was adopted.

On motion of Senator Gainer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 89 was put on its second reading by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Cousins.	Pollard.
Martin.	Russek.
Parr.	Westbrook.
Patton.	

The bill was read second time and passed to third reading.

On motion of Senator Gainer the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 89 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Wirtz.
Hyer.	Witt.
Love.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Cousins.	Pollard.
Martin.	Russek.
Parr.	Westbrook.
Patton.	

Read third time and finally passed by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Witt.
Hyer.	Wirtz.
Love.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Cousins.	Pollard.
Martin.	Russek.
Parr.	Westbrook.
Patton.	

S. B. No. 13.

The Chair laid before the Senate the following bill:

By Senator Westbrook:

S. B. No. 13, A bill to be entitled "An Act fixing the salary of the county commissioners of certain counties according to the latest approved tax rolls of the county; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodward, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 13 was put on its third reading and final passage, by the following vote:

Yeas—24.

Beck.	Miller.
Berkeley.	Moore.
Cunningham.	Neal.
DeBerry.	Parrish.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Witt.
Hyer.	Wirtz.
Love.	Woodul.
McFarlane.	Woodward.

Absent—Excused.

Cousins.	Pollard.
Martin.	Russek.
Parr.	Westbrook.
Patton.	

Read third time.

On motion of Senator McFarlane, the bill was laid on the table, subject to call.

Recess.

Senator Moore moved to adjourn until Monday morning at 10 o'clock.

Senator Love moved to recess until Monday morning at 10 o'clock.

The motion to adjourn was lost by the following vote:

Yeas—8.

Cunningham.	Moore.
Holbrook.	Small.
Hyer.	Wirtz.
Miller.	Witt.

Nays—15.

Beck.	Neal.
Berkeley.	Parrish.
DeBerry.	Stevenson.
Gainer.	Thomason.
Greer.	Williamson.
Hornsby.	Woodul.
Love.	Woodward.
McFarlane.	

Absent.

Hardin.

Absent—Excused.

Cousins.	Pollard.
Martin.	Russek.
Parr.	Westbrook.
Patton.	

The motion to recess prevailed, and at 5:53 o'clock the Senate recessed.

## APPENDIX.

### Petitions and Memorials.

(Telegram)

(Austin, Texas, Feb. 14, 1930,  
4:02 P. M.)

Wharton, Texas, Feb. 14, 1930.

Hon. Barry Miller, Pres. Texas Senate:

Please read following telegram to the Senate. We read in newspapers where a certain Jim Cox and A. H. Armstrong have represented themselves as speakers for ninety per cent of the people of Wharton County before the House of Representatives, and we want to say that we think

they only represent about ten per cent. The one dollar per ton tax on sulphur is a just tax, and we think the Texas Senate will certainly favor it. If it were left to a vote in Wharton county nine out of ten voters would favor the dollar per ton tax. From the enormous amount of money made by these companies the schools and State institutions should derive a benefit. When they mine the sulphur and send nine hundred million dollars profit to New York, they will just leave the State of Texas a hole in the ground in a South Texas county. We ask you to pass the bill.

W. J. HUDGINS,  
H. R. FARMER,  
SID BORDER,  
WILL BORDER,  
W. F. NEAL,  
J. F. HUTCHINS,  
DR. G. L. DAVIDSON,  
DR. T. L. DAVIDSON,  
T. M. NEAL, M. D.

(Telegram)

(Austin, Texas, Feb. 15, 1930,  
10:08 A. M.)

Egypt, Texas, Feb. 15, 1930.

Pres. Pro Tem. State Senate, State  
Capital:

As a member of Executive Committee of Texas and Southwestern Cattle Raisers' Association, I respectfully urge passage of bill levying tax of one dollar per ton on sulphur as passed by the House. Minerals of Texas are being rapidly depleted and tremendous wealth accumulated therefrom, without being taxed in proportion to other industries. Please address this message to the Senate.

F. B. DUNCAN.

#### Committee on Engrossed Bills.

Committee Room,  
Austin, Texas, Feb. 15, 1930.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 101 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 15, 1930.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on En-

grossed Bills, have had Senate Bill No. 34 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 15, 1930.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 94 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 15, 1930.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 48 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 15, 1930.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 95 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 15, 1930.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 28 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,  
Austin, Texas, Feb. 15, 1930.  
Hon. Barry Miller, President of the  
Senate.

Sir: We, your Committee on Engrossed Bills, have had Senate Bill No. 3 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

**Committee Reports.**

Committee Room,

Austin, Texas, Feb. 15, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 24, A bill to be entitled "An Act validating the actions of the County Board of School Trustees in changing Common School Districts and their boundary line in counties having a population of not less than 1010 nor more than 1025 according to the United States Census of 1920; giving the County Board of School Trustees in said counties authority to make changes in all Common School Districts, to subdivide, to combine, or to abolish Common School District, giving the County Board of School Trustees in said counties authority to establish Rural High School Districts containing an area of more than one hundred square miles and composed of two or more elementary school districts; providing in case any provision of this Act shall be held unconstitutional or invalid then such holdings shall not effect the remaining provisions; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 56, A bill to be entitled "An Act repealing all of Chapter 9, including Sections 1, 2, 3, 4, 5 and 6 Acts of 3rd Called Session of 41st Legislature and providing that in counties having a population of 1100 to 41,000 according to the last Federal census and a scholastic population of at least 10,755 as shown by the scholastic report for the last preceding school year shall be exempt from holding a teachers' institute for rural teachers and teachers of Independent Districts of less than 10,000 population and exempt such teachers from attendance upon a

teachers institute, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, Feb. 15, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

H. B. No. 43, A bill to be entitled "An Act relating to the duties of the County Board of Trustees and the County Superintendent of Counties with an area of nine hundred and seventy-seven square miles and a population of not less than 15,500 nor more than 15,600 according to the 1920 census; authorizing the County Board of Trustees to re-arrange and resubdivide all the territory of their respective counties into convenient school districts; making provisions for the transportation of children; authorizing the appointment of the County Superintendent by the County Board of Trustees and determining the salary to be paid; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

NEAL, Chairman.

Committee Room,

Austin, Texas, Feb. 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 91, A bill to be entitled "An Act to amend Article 6834 of the Revised Civil Statutes of the State of Texas, 1925, relating to the manner of holding elections for the issuing of seawall bonds, and the application of funds, under Title 118 of said Revised Civil Statutes; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

## Committee Room.

Austin, Texas, Feb. 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 100, A bill to be entitled "An Act amending Section (a) of Article 5742, Chapter 8, Title 93, of the Revised Civil Statutes of the State of Texas adopted at the Regular Session of the 39th Legislature, giving to marketing associations the power to receive from and handle for non-members any agricultural product not in excess of fifty per cent of the same product it receives from and handles for its members; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

## Committee Room.

Austin, Texas, Feb. 14, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. B. No. 90, A bill to be entitled "An Act to amend Section 6 of Chapter 68 of the Acts of the 36th Legislature, Regular Session, 1919, relating to the fixing of Shipping District in the area patented by virtue of said Act, and providing for determining, defining and fixing the boundary line between the property of private citizens along the shore line of Corpus Christi Bay; repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

## Committee Room.

Austin, Texas, Feb. 15, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 23, A bill to be entitled "An Act amending Article 3268 Revised Statutes, 1925, providing that municipal corporations shall not be required to post a bond in condemnation proceedings and shall not be

required to deposit double the amount of the award by the Commissioners; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BERKELEY, Chairman.

## Committee Room.

Austin, Texas, Feb. 15, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

H. B. No. 101, A bill to be entitled "An Act providing that certain cities having the population requirements set forth herein may acquire and own special assessment certificates issued in connection with street improvements, that such cities may pledge and impound said certificates as the basis for the issuance of special improvement bonds subject to the limitations and provisions of this Act; providing for use of funds from the sale of such bonds; providing that such bonds shall not be reckoned in determining charter, Constitutional or Statutory bond limitations and shall not constitute indebtedness of city contemplated under certain provisions of the Constitution; prescribing Statutory duties imposed on such cities when such bonds are issued; providing for the examination and approval of such bonds by the Attorney General, and for their registration by the Comptroller; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BERKELEY, Chairman.

## Committee Room.

Austin, Texas, Feb. 15, 1930.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred,

H. B. No. 93, A bill to be entitled "An Act authorizing the Commissioners' Court in any county having a population of not less than 21,900 and not more than 22,000 according

to the United States Census of 1920 to allow each county commissioner certain expenses for traveling in connection with official business and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it being a local bill that it be not printed.

WITT, Chairman.

Committee Room,  
Austin, Texas, Feb. 15, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

H. B. No. 49, A bill to be entitled "An Act providing that the Clerk of each Court of Civil Appeals, Criminal Appeals, Commissions of Appeals, and the Clerk of the Supreme Court shall furnish to the District Judge of the Trial Court where the case was originally tried, a copy of the opinion of such Appellate Court as may be rendered within three days after the opinion is rendered, and the cost of such opinion shall not exceed \$1.00 and shall be charged as costs; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

WOODWARD, Chairman.

Committee Room,  
Austin, Texas, Feb. 15, 1930.  
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Penitentiaries to whom was referred

H. B. No. 10, A Bill to be entitled "An Act to provide that the Texas Prison Board shall arrange for schools in all of the penitentiaries and penitentiary farms of the State of Texas, providing for compulsory instruction of illiterates; and hours of attendance that credit shall be given on sentence for attendance and instruction in such schools; that the Chaplains shall be charged with the duty of organizing and supervising such schools; that instructors shall be prisoners as far as practicable and that Texas Prison Board shall make rules and regulations making effective the provisions of this Act."

Have had the same under consideration and I am instructed to

report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.  
McFARLANE, Chairman.

By Harrison, H. B. No. 10.

#### A BILL

##### To Be Entitled

An Act to provide that the Texas Prison Board shall arrange for schools in all of the penitentiaries and penitentiary farms of the State of Texas, providing for compulsory instruction of illiterates; and hours of attendance that credit shall be given on sentence for attendance and instruction in such schools; that the Chaplains shall be charged with the duty of organizing and supervising such schools; that instructors shall be prisoners as far as practicable and that Texas Prison Board shall make rules and regulations making effective the provisions of this Act. Be it enacted by the Legislature of the State of Texas:

Section 1. The Texas Prison Board shall immediately arrange for the organization of schools in all the penitentiaries and penitentiary farms of the State of Texas. Such schools shall provide for educational courses to include the equivalent of the seventh grade of the common schools of the State of Texas. Attendance in such schools shall be compulsory for all illiterates 25 years of age or under and optional with all other prisoners. Illiterates shall attend such schools a minimum of five hours a week.

Sec. 2. Each prisoner attending or acting as an instructor in such schools or school shall be allowed as a credit on the term of his sentence, one-half hour additional for each hour in attendance.

Sec. 3. It is the duty of the Chaplains of the Prison System to organize, under the direction of the Texas Prison Board, such schools and to supervise the same after their organization. Prisoners shall be, as far as practicable, selected for teachers and instructors.

Sec. 4. The Texas Prison Board is hereby authorized to and shall prescribe and promulgate such rules and regulations as may be necessary to make provisions of this Act effective.

Sec. 5. The fact that no provision is made in the Statutes of the



State of Texas for the educational instruction of prisoners creates an emergency and a public necessity requiring the suspension of the Constitutional Rule providing that a Bill be read on three separate days and such rule is hereby suspended and this Act shall be in force and effect from and after its passage and it is so enacted.

### TWENTIETH DAY (Cont'd.)

Senate Chamber,  
Austin, Texas,

Monday, February 17, 1930.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

#### Point of No Quorum.

Senator Pollard raised the point of order that a quorum was lacking. The roll call showed a quorum present.

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.

#### Absent—Excused.

Cousins.	Wirtz.
Hardin.	Woodward.
Westbrook.	

The Chair announced that the Senate was still under call until adjournment.

#### Bills Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

S. B. No. 93.	S. B. No. 71.
S. B. No. 92.	S. B. No. 70.
S. B. No. 91.	S. B. No. 63.
S. B. No. 90.	S. B. No. 43.
S. B. No. 89.	S. B. No. 22.
S. B. No. 72.	S. B. No. 26.

S. B. No. 24. H. B. No. 25.

#### Motion to Concur.

Senator Small moved to concur in the House amendment to S. B. No. 29. The motion prevailed by the following vote:

#### Yeas—26.

Beck.	Moore.
Berkeley.	Neal.
Cunningham.	Parr.
DeBerry.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Hardin.	Russek.
Holbrook.	Small.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Williamson.
Martin.	Witt.
Miller.	Woodul.

#### Absent—Excused.

Cousins.	Wirtz.
McFarlane.	Woodward.
Westbrook.	

#### Senators Excused.

On motion of Senator Russek, Senator Wirtz was excused for the day on account of important business.

On motion of Senator Moore, Senator Woodward was excused for the day on account of illness.

#### Motion to Concur.

Senator Martin moved to concur in the House amendment to S. B. No. 4. The motion prevailed by the following vote:

#### Yeas—25.

Beck.	Neal.
Berkeley.	Parr.
Cunningham.	Parrish.
Gainer.	Patton.
Greer.	Pollard.
Holbrook.	Russek.
Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
Martin.	Williamson.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	

#### Nays—1.

DeBerry.